

### REMARKS

As indicated above, in the Final Office Action dated November 8, 2005 this response also constitutes a required submission accompanying a Request for Continuing Examination (RCE) under 37 C. F. R. §1.114

#### Rejection of claim 1

In this Final Office Action, paragraphs 3-4, the Office has indicated that claim 1 is rejected under 35 USC § 112, 2nd paragraph.

Paragraph 3 of this office action says

"Claim 1 is rejected under 35 USC § 112, 2nd para, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. In claim 1 it is not mentioned which circuit element is determining that the error control code is correct or incorrect and how it is determined.

Claim 1 has been amended to indicate that "the memory element [is] being controlled by the means for generating an error control code to be transparent when the error control code indicates that no transient disturbance has occurred [i.e. is correct], and to keep the state of said at least one output unchanged when the error control code indicates that a transient disturbance has occurred [ i.e. is incorrect]."

Claim 1. (Currently Amended): A circuit protected against transient disturbances, the circuit comprising:

a combinatory logic circuit having at least one output:

a circuit means for generating an error control code for said at least one output;

and

a memory element coupled to said means for generating an error control code and coupled to said combinatory logic circuit so as to receive the at least one output and the error control code ~~arranged at said output~~, the memory element being controlled by the means for

Application No. 09/936,032  
Filed 03/11/2002

generating an error control code ~~generation circuit~~ to be transparent when the error control code indicates that no transient disturbance has occurred ~~is correct~~, and to keep the state of said at least one output unchanged when the error control code indicates that a transient disturbance has occurred ~~is incorrect~~.

Paragraph 4 of this office action says

"Claim 1 is rejected under 35 USC § 112, 2nd para, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP section 2172.01. The omitted structural cooperative relationships are: in claim 1 it is mentioned, "a memory element arranged at said output." The connection of memory element to other circuit element is not described."

Claim 1 has been amended to articulate that the memory element is coupled to the means for generating an error control code and to the combinatory logic circuit.

Accordingly, Claim 1 has thus been amended to resolve the specified deficiencies and is now patentable and respectfully should be passed to issue.

### **Double Patenting**

Also in this final Office Action, Claims 1, 6, 8 and 9 are "provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over" various claims of co-pending application serial number 10/492,294. This rejection is a nonstatutory double patenting rejection. It is respectfully indicated that the present application and co-pending application serial number 10/492,294 are submitted by the same inventor and applicant; that the present application is a US application resulting from a PCT application enjoying a French priority date of March 9, 1999, while application serial number 10/492,294 results from a PCT application enjoying a French priority date of October 12, 2001, i.e. more than two years after the first application. This non-statutory provisional rejection is avoided by a terminal disclaimer filed herewith in accordance with MPEP § 804.02(II), and as specified in paragraph 6 of this Office Action. No office actions have as yet been issued in connection with

Application No. 09/936,032

Filed 03/11/2002

application serial number 10/492,294. Applicant will provide a copy of this final office action and this amendment to the Patent Office in connection with application serial no. 10/492,294.

Moreover, since the amendment to claim 1 described above leaves this "provisional" double patenting rejection as the "only rejection remaining" in this application, it should not be maintained (in accordance with MPEP 822.01 and 804, subsection I.B, ("The 'provisional' double patenting rejection should continue...unless that 'provisional' double patenting rejection is the only rejection remaining in>at least< one of the applications."

In addition, we respectfully call to the attention of the Office the additional related cases including a recently issued patent and several other co-pending applications from the present inventor and applicant in the requested amendment to the specification to add a paragraph articulating these related cases.

### **CONCLUSION**

As indicated above, Claim 1 has been amended to avoid the rejections submitted, and a terminal disclaimer is submitted herewith to avoid the nonstatutory provisional double patenting rejection. It is therefore respectfully submitted that the claims are now allowable and it is requested that the application be passed to issue.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time, and requests that the undersigned be called as soon as possible.

Respectfully submitted,

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